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 HOMESITE INSURANCE COMPANY  
 as subrogee of Traci Marx and Raymond Marx

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

HOMESITE INSURANCE COMPANY  
 as subrogee of Traci Marx and Raymond  
 Marx,  
 Plaintiff,

v.

NORCOLD, INC., NORCOLD, LLC,  
 THETFORD CORPORATION, THETFORD,  
 LLC, CAMPING WORLD OF  
 HENDERSON, CAMPING WORLD, INC.,  
 CWI, Inc. and DOES 1 through 50, Inclusive,  
 Defendants.

TRACI MARX, RAY MARX, ALYSSA  
 DILLARD and SETH DILLARD,

v.

NORCOLD, INC., NORCOLD, LLC,  
 THETFORD CORPORATION, THETFORD  
 LLC, THE DYSON-KISSNER-MORAN  
 CORPORATION, CAMPING WORLD  
 HOLDINGS, INC., CAMPING WORLD,  
 INC., CWI, INC., CAMPING WORLD OF  
 HENDERSON, and DOES 1 to 50, inclusive,  
 and ROE ENTITIES 1 to 50,  
 inclusive

Case No.: 2:21-cv-02167-RFB-DJA  
 (Consolidated with Case No. 2:22-cv-00085-  
 JCM-EJY)

**STIPULATION AND ORDER TO  
 EXTEND DISCOVERY DEADLINES  
 (Amended Second Request)**

1 Pursuant to LR 6-1 and LR 26-3, the undersigned parties in the consolidated cases, by  
2 and through their respective counsel of record, hereby stipulate and respectfully request that this  
3 Court further extend discovery, in the above-captioned cases as outlined below. The parties  
4 request that all other future deadlines contemplated by the Discovery Plan and Scheduling Order  
5 be extended pursuant to Local Rules. In support of this Stipulation and Request, the parties state  
6 as follows:

7 **Procedural History of the Cases**

8 1. On November 5, 2021, Plaintiff Homesite Insurance Company filed its Complaint  
9 against Norcold, Inc., Thetford Corp., Camping World, Inc. and Camping World of Henderson in  
10 the Clark County District Court of the State of Nevada (hereinafter “the Homesite Action”).

11 2. On December 8, 2021, the Court granted Camping World of Henderson’s  
12 and Camping World, Inc.’s Petition for Removal of the Homesite Action to the United States  
13 District Court for the District of Nevada. On December 15, 2021, the named defendants in the  
14 Homesite Action filed their Answers to the Complaint under Case No. 2:21-cv-02167-RFB-DJA.

15 3. On December 14, 2021, Plaintiffs Traci Marx, Raymond Marx, Alyssa Dillard and  
16 Seth Dillard (“Marx/Dillard Plaintiffs”) filed their Complaint against Norcold, Inc., Thetford  
17 Corp., The Dyson-Kissner-Moran Corporation (“DKM”), Camping World Holdings, Inc.,  
18 Camping World, Inc., CWI, Inc., and Camping World of Henderson (collectively “Camping  
19 World Defendants”), in the Clark County District Court of the State of Nevada (hereinafter the  
20 “Marx Action”).

21 4. On January 18, 2022, in the Marx Action, the Court granted Norcold, Thetford,  
22 and DKM’s Petition for Removal to the United States District Court for the District of Nevada.  
23 Norcold, Thetford, DKM, and the Camping World Defendants filed their Answers to the  
24 Complaint in the Marx Action on January 25, 2022 and January 28, 2022 respectively under  
25 Case No. 2:22-cv-00085-JCM-EJY.

26 5. On February 2, 2022, Plaintiffs in the Marx Action filed a Motion to Remand which  
27 is currently pending.  
28

1           6. On February 10, 2022, Plaintiff in the Homesite Action filed a Notice of Related Case  
2 regarding the Marx Action.

3           7. On February 16, 2022, the parties filed their Amended Joint Rule 26(f) Status Report  
4 and Discovery Plan in the Homesite Action. Plaintiff and Defendants served their Initial  
5 Document and Witness Disclosures.

6           8. On February 24, 2022, Norcold, Thetford, and DKM filed an Amended Proposed  
7 Discovery Plan on behalf of the parties in the Marx Action.

8           9. On May 18, 2022, the Court ordered that the Marx Action, Case No. 2:22-cv-00085-  
9 JCM-EJY, be consolidated under the Homesite Action, Case No. 2:21-cv-02167-RFB-DJA.

10          10. On July 26, 2022, Norcold filed a Motion to Compel Discovery Responses from  
11 the Marx/Dillard Plaintiffs in the consolidated action. On July 26, 2022, Norcold also filed a  
12 Motion to Deem Requests for Admission Admitted in the Marx Action.

13          11. All parties are engaged in written discovery. The parties have met and conferred on  
14 the terms of the protective order requested by Defendants; however, despite their best efforts,  
15 they have been unable to agree on the terms of the protective order. Plaintiffs have filed a Joint  
16 Motion for Protective Order, to which Norcold, Thetford and DKM have filed their Response  
17 with alternative proposed protective order (such Response being joined by the Camping World  
18 Defendants).

19          12. On October 13, 2022, the Court granted Plaintiff Homesite's motion to amend its  
20 Complaint to name CWI, Inc. as a defendant in the Homesite Action.

21          13. On October 20, 2022, the parties in the consolidated actions submitted a letter  
22 requesting a status conference pursuant to Local Rule 16-2.

23          14. On October 28, 2022, Plaintiff Homesite Insurance Company filed its First Amended  
24 Complaint, adding CWI, Inc. as a party.

25          15. On October 28, 2022, all Defendants filed their answers to Plaintiff's First Amended  
26 Complaint.

27          16. On November 8, 2022, the parties filed a Joint Stipulation for Extension of Time,  
28

1 which was granted by the Court on November 9, 2022.

2 17. On December 19, 2022, the Court held a hearing on Norcold's Motion to Compel  
3 Discovery Responses from Plaintiffs and Motion to Deem Requests for Admission Admitted in  
4 the Marx Action. The Court ordered that the plaintiffs file an amended complaint naming  
5 Norcold LLC and Thetford LLC as defendants in the action and that plaintiffs file responses to  
6 Norcold LLC's discovery requests. The Court denied Norcold's motion to deem requests for  
7 admission admitted.

8 18. On January 17, 2023, Marx/Dillard Plaintiffs filed their First Amended Complaint  
9 naming additional Camping World Defendants and Norcold LLC and Thetford LLC as  
10 defendants. On January 31, 2023, all Defendants filed their answers to Marx/Dillard Plaintiffs'  
11 First Amended Complaint.

12 19. On February 8, 2023 and thereafter, Marx/Dillard Plaintiffs filed their responses to  
13 Norcold LLC's discovery requests.

14 20. On February 28, 2023, Plaintiff Homesite Insurance Company filed its Unopposed  
15 Stipulation to File Second Amended Complaint to add Norcold LLC and Thetford LLC as  
16 defendants to its action. On March 2, 2023, Plaintiff Homesite Insurance Company's Second  
17 Amended Complaint was deemed filed by the Court.

18 21. On March 2, 2023, Plaintiff Homesite Insurance Company filed a Motion for Leave  
19 to File a Third Amended Complaint to add DKM after meet and confer with Defendants Norcold  
20 and Thetford where said defendants advised that they opposed Plaintiff's request to amend the  
21 complaint to add DKM as a defendant.

22 22. On March 10, 2023, Plaintiff Homesite served an Amended Rule 30(b)(6) Notice of  
23 Deposition of Norcold, Inc. (currently known as Norcold LLC.)

24 23. On March 13, 2023, Plaintiff Homesite Insurance Company and the Marx/Dillard  
25 Plaintiffs filed their Joint Motion for Protective Order. This motion is pending.

26 24. On March 16, 2023, Defendants Norcold LLC and Thetford LLC filed their answers  
27 to Plaintiff Homesite Insurance Company's Second Amended Complaint.  
28

1           25. On March 16, 2023, Defendants Norcold LLC and Thetford LLC filed their response  
2 in opposition to Plaintiff Homesite Insurance Company's Motion for Leave to File its Third  
3 Amended Complaint to add DKM. This motion is pending.

4           26. On March 20, 2023, Plaintiffs Marx/Dillard and Homesite Insurance Company served  
5 joint notices of deposition on Norcold, Inc. and on CWI, Inc.

6           27. On March 21, 2023, named defendants Camping World of Henderson, Camping  
7 World, Inc. and CWI, Inc. filed their Joint and Separate Answer and Affirmative Defenses to  
8 Plaintiff's Second Amended Complaint.

9           28. On or around March 20, 2023, the Marx/Dillard Plaintiffs filed their Notice of Intent  
10 to Serve Subpoena on Non-Parties to Testify at Deposition of Christopher Justin Hillenbrand.

11           29. On March 21, 2023, Plaintiffs Marx/Dillard and Homesite served joint notices of  
12 deposition on Thetford LLC and DKM.

13           30. On March 22, 2023, Defendant Norcold served a notice of deposition of Plaintiffs  
14 Alyssa Dillard, Seth Dillard, Traci Marx, and Ray Marx.

15           31. On March 22, 2023, Marx/Dillard Plaintiffs served amended and/or supplemental  
16 responses to the Camping World entities' written discovery requests, including interrogatories,  
17 requests for admission and requests for production.

18           32. On March 23, 2023, Plaintiff Homesite Insurance Company filed its response in  
19 reply to Defendants' opposition to its Motion for Leave to File its Third Amended Complaint.

20           33. On March 27, 2023, Defendants Norcold LLC, Thetford LLC, and DKM filed their  
21 response in opposition to Plaintiffs' Joint Motion for Protective Order.

22           34. On March 28, 2023, Defendants Norcold LLC and Thetford LLC filed their Motion  
23 to Quash and for a Protective Order Preventing the Apex Deposition of Christopher Justin  
24 Hillenbrand.

25           35. On March 29, 2023, the Court issued a minute order that Defendants' Motion to  
26 Quash and for a Protective Order did not satisfy the meet and confer requirements of the Local  
27 Rules and ordered that the parties meet and confer pursuant to Local Rule IA 1-3(f).  
28

36. On March 31, 2023, counsel for Plaintiffs Marx/Dillard and Defendants Norcold and Thetford held a telephonic meet and confer regarding the deposition subpoena of Christopher Justin Hillenbrand. The parties were not able to resolve their discovery dispute. Defendants filed a declaration in support of their Motion to Quash and for Protective Order on March 31, 2023 pursuant to the Court's minute order.

#### **Discovery Remaining**

1. The parties continue participating in written discovery.
2. The parties will take the following fact depositions:
  - Ray Marx and Traci Marx;
  - Alyssa Dillard and Seth Dillard;
  - Deposition of Christopher Hillenbrand pursuant to subpoena, subject to the Court's rulings on Norcold and Thetford's Motion to Quash and Motion for Protective Order Preventing the Apex Deposition of Mr. Hillenbrand [ECF Nos. 80, 81];
  - Rule 30(b)(6) depositions of Norcold Inc./Norcold LLC, Thetford Corp./Thetford LLC, and DKM;
  - Rule 30(b)(6) deposition of CWI, Inc., Camping World of Henderson, Camping World, Inc.
  - Rule 30(b)(6) deposition of Homesite
3. The parties may take the depositions of any and all other witnesses garnered through discovery.
4. The parties will disclose expert witnesses pursuant to Fed. R. Civ. P. 26.
5. The parties will take expert depositions.

#### **Why Remaining Discovery Has Not Yet Been Completed**

The parties aver, pursuant to Local Rule 26-3, that good cause exists for the following request for extension. This request for an extension of time is not sought for any improper purpose or for the purpose of delay. Rather, it is sought by the parties for the purpose of allowing

1 the parties sufficient time to conduct discovery and adequately prepare for trial. The parties seek  
2 additional time because the litigation outlined above continues to give rise to complex issues and  
3 disputes that the parties are attempting to resolve. Despite meet and confer efforts, the parties  
4 have not been able to resolve these issues and have sought court intervention.

5       The motions pending in front of the court are as follows: Plaintiff Homesite Insurance  
6 Company filed a motion to amend its complaint to add DKM as a defendant to the Homesite  
7 action, which Norcold and Thetford oppose. Plaintiffs Homesite and Marx/Dillard have filed a  
8 joint motion for entry of protective order as the parties have been unable to agree on the terms of  
9 a protective order after months of meet and confer efforts. Norcold, Thetford, and DKM have  
10 filed a response to such joint motion and request the Court enter a protective order containing  
11 different terms. No protective order has been entered at this time. The Marx/Dillard Plaintiffs  
12 have filed a notice of intent to serve a subpoena on Christopher Justin Hillenbrand, of Monomoy  
13 Capital Management, the entity which purchased Norcold, Inc. and Thetford, Inc.; Norcold and  
14 Thetford have filed a motion to quash Plaintiffs' notice of intent to serve a subpoena on  
15 Christopher Justin Hillenbrand and a motion for protective order preventing the apex deposition  
16 of Mr. Hillenbrand, as he is Norcold's and Thetford's Chairman/President and corporate  
17 Director. Due to the pending issues and the areas of dispute set forth in the motions on file with  
18 the Court, the parties have not been able to proceed with pre-trial discovery and depositions at  
19 the rate they previously anticipated.

21       Accordingly, the parties request a further modification and extension of the current  
22 discovery deadlines to allow for the opportunity to resolve the above referenced disputes with the  
23 assistance of the Court so that discovery and trial preparation can proceed smoothly for the  
24 benefit of all parties.

**Extension of Modification of the Discovery Plan and Scheduling Order**

Local Rule 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3.

This is the second request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the extension.

The following is a list of the current discovery deadlines and parties' proposed extended deadlines:

<b>Scheduled Event</b>	<b>Current Deadline</b>	<b>New Deadline</b>
Fact Discovery Cut-off	<i>Friday, April 28, 2023</i>	<i>Monday, August 28, 2023</i>
Expert Disclosure pursuant to FRCP 26(a)(2)	<i>Plaintiffs: Wednesday, May 3, 2023</i> <i>Defendants: Friday June 30, 2023</i>	<i>Plaintiffs: Thursday, August 31, 2023</i> <i>Defendants: Monday, October 30, 2023</i>
Simultaneous Rebuttal Expert Disclosure pursuant to FRCP 26(a)(2)	<i>Monday, July 30, 2023</i>	<i>Monday, November 27, 2023</i>
Expert Discovery Cut-off	<i>Friday, September 8, 2023</i>	<i>Monday, January 8, 2024</i>
Mediation Completion Date	<i>Monday, October 16, 2023</i>	<i>Tuesday, February 13, 2024</i>
Dispositive Motions	<i>Monday, October 16, 2023</i>	<i>Tuesday, February 13, 2024</i>
Joint Pretrial Order	<i>To be set pursuant to LR 26-1 (both cases)</i>	<i>To be set pursuant to LR 26-1</i>

WHEREFORE, the parties respectfully request that this Court extend the fact discovery deadline from the current deadline of April 28, 2023 up to and including August 28, 2023, and the other dates as outlined in accordance with the table above.



Dated: April 6, 2023

**GROTEFELD HOFFMANN LLP**

*/s/ Lilla Shkolnikov*  
LILLA SHKOLNIKOV  
*Attorneys for Plaintiff*  
*Homesite Insurance Company*

Dated: April 6, 2023

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1 Dated: April 6, 2023

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3 /s/ Russell S. Ponessa

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18 *WORLD, INC. and CWI, Inc.*

19 Dated: April 6, 2023

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*CORPORATION*

**ORDER**

IT IS SO ORDERED that the parties' stipulation to extend discovery deadlines [87] is GRANTED.

DATED this 7th day of April 2023.

A handwritten signature in blue ink, appearing to read 'D. Albrechts', is written over a horizontal line.

DANIEL J. ALBRECHTS  
UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE**

*Homesite Insurance Company v. Norcold, Inc., et al.*  
 USDC DISTRICT OF NEVADA CASE NO. 2:21-cv-02167-RFB-DJA

I hereby certify that on this 13th day of March 2023, a true and correct copy of the following document, **STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES (Amended Second Request)** was served on all counsel of record as follows:

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EXECUTED ON April 6, 2023

  
 Emily Hallinan